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STATE MS-DE SOTO CO. Return to:

DEC 6 2 05 PM '95

STATE OF MISSISSIPPI
COUNTY OF DESOTO

BK 293 PG 573
W.F. DAVIS CH. CLK.
By: M.T.D.

BOOK 293 PAGE 573

TEMPORARY WATERLINE EASEMENT

FOR IN CONSIDERATION of the herein named Grantors making a gift to Walls Water Association, Inc., and other valuable consideration, the receipt of all of which is hereby acknowledged, We, DeSoto Properties, Inc., Magnolia Quick Stop#2, L.P., and Magnolia Land, L.P. by and through DeSoto Properties, Inc., a Mississippi corporation, being General Partner of each of these limited partnerships, Grantors do hereby convey unto Walls Water Association, Inc., Grantee, a non-exclusive 20 foot wide temporary easement until such time as a permanent water line is installed to the Horn Lake Middle School site, but in no event shall this temporary easement continue in existence after April 1, 1996, with the right to install, and lay and thereafter use, operate, inspect, repair, maintain water main and lines and connections and necessary appurtenances thereto in compliance with all governmental regulations, together with the right of ingress and egress over the Grantor's adjacent lands for the purpose of which the above mentioned rights are granted, on, over, and across the following described property situated in DeSoto County, Mississippi, to wit:

A part of the Northwest Quarter (NW ¼) and the Northeast Quarter (NE ¼) of Section 32, Township 1 South, Range 8 West, in DeSoto County, Mississippi, adjacent and parallel to the proposed south right-of-way of Mississippi Highway Department Project No. 46-0021-01-022-10, on Highway 302, to which plan and project reference is hereby made, and being on file with the Mississippi State Highway Department, Central File, Jackson, Mississippi, and the west right-of-way line of Horn Lake Road, extending from a point on the Grantor's west property line opposite approximate centerline Station Number 232+90 to the intersection of said south right-of-way with the west right-of-way line of said Horn Lake Road opposite centerline Station Number 260+00, run thence in a southerly direction along said right-of-way line to the Grantor's south property line, said strip of land contains 2.35 acres, more or less.

Grantors herein acknowledge that they have been fully advised and understand that they are entitled to receive just compensation based upon an appraisal of this property for this conveyance and for damages, if any, but Grantors desire no compensation to donate the above described Temporary Waterline Easement to Walls Water Association, Inc. Grantors specifically understand that they have the right to request that a fair market value appraisal of the property be made, and hereby waive that right.

Grantee will maintain such easement in a state of good repair and efficiency so that no unreasonable damage will result from its use to Grantor's premises and after the line has been installed Grantee will not disturb the soil except to make necessary repairs. After the expiration of this temporary easement, any improvements made therein by the Grantee shall become the property of the Grantor. This agreement together with other provisions of the grant shall constitute a covenant running with the land for the duration of this temporary easement for the benefit of the Grantee, its successors and assigns. The Grantor does covenant that they are the owners of the above mentioned land that said land is free and clear of all encumbrances and liens except for a Deed of Trust to Magnolia Hills, Inc. Magnolia Hills, Inc., a Mississippi corporation joins in this conveyance solely for the purpose of releasing the rights conveyed hereunder from its deed of trust.

WITNESS OUR SIGNATURES this 20th day of October, 1995.

DESOTO PROPERTIES, INC.

By: 
A. J. Saucier, Jr., President

DESOTO PROPERTIES L.P.
BY DESOTO PROPERTIES, INC.

By: 
A. J. Saucier, Jr., President

MAGNOLIA LAND L.P.
BY DESOTO PROPERTIES, INC.

By: 
A. J. Saucier, Jr., President

MAGNOLIA QUICK STOP NO. 2 L.P.
BY DESOTO PROPERTIES, INC.

By: 
A. J. Saucier, Jr., President

MAGNOLIA HILLS, INC.

By: 
A. J. Saucier, Jr., President

STATE OF MISSISSIPPI
COUNTY OF DESOTO

Personally appeared before me, the undersigned authority in and for the said County and State, within my jurisdiction, the within named A. J. Saucier, Jr., who acknowledged being President of DeSoto Properties, Inc. and Magnolia Hills, Inc., both Mississippi corporations, and for and on behalf of the said corporations, and as their act and deed, signing, sealing and delivering the above and foregoing Temporary Waterline Easement for the purposes mentioned on the day and year therein mentioned, after first having been duly authorized by said corporations so to do.

Given under my hand and official seal this the 20th day of October, 1995.



Elizabeth May Jones
Notary Public

Prepared by:

Walls Water Association, Inc.
7132 Highway 301 North
Walls, MS 38680
(601) 781-3722